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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,903	10/01/2003	Vanita Mani	123860/YOD GERD:0040	8076
7590 11/08/2006			EXAMINER	
Patrick S. Yoder Fletcher Yoder P.O. Box 692289 Houston, TX 77269-2289			PATEL, RITA RAMESH	
			ART UNIT	PAPER NUMBER
			1746	

DATE MAILED: 11/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/676,903

Applicant(s)

MANI ET AL.

Examiner

Rita R. Patel

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 16-69 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/1/03; 4/7/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of group I, claims 1-15 in the reply filed on 8/31/06 is acknowledged. The traversal is on the ground(s) that applicants believe that claims 1-33 should be examined together. This is not found persuasive because claims 26-33 form two distinct groups of inventions; claims 16-26 drawn to an apparatus for washing and drying classified in class 68, subclass 12.13, and claims 27-33 drawn to a laundry cleaning device classified in class 68, subclass 12.23. Meanwhile, claims 1-15 are drawn to a laundry machine apparatus, classified in class 68, subclass 12.08.

Claims 16-69 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 8/31/06.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 10 claims a vapor compression cycle system wherein the heating device comprises a condenser and the cooling device comprises an

Art Unit: 1746

evaporator. However, in applicant's submission of the Specification, on page 10, lines 28-30, to page 11, lines 1-4, it is noted that applicant states,

*"FIG. 4 is a block diagram illustrating an alternative embodiment of the integral laundry washing and drying system 200 in accordance with certain embodiments of the present technique...However, in the illustrated embodiment, the closed loop drying system 206 comprises a refrigeration or vapor compression cycle system 258 having a condenser 260, an evaporator 262, a compressor 264, and a pressure reducing device 266 coupled together by a closed loop conduit, as indicated by arrows 268, 270, 272, and 274. **In operation of the closed loop drying system 206, the condenser 260 functions as the heating device 232, while the evaporator 262 functions as the cooling device 234** [emphasis added]."*

Applicant statelily discloses in the Specification that the condenser 260 functions as the heating device 232 and the evaporator functions as the cooling device 234. The condenser and evaporator are merely an alternative embodiment of the invention. Applicant fails to provide a distinction between the condenser and heating device, and the evaporator and cooling device, as claimed or taught by the disclosure of applicant's invention. Is the condenser a distinct and separate structural part of the invention than the heating device, and also are the evaporator and the cooling device two distinct parts of the invention? Or are these matching components merely the same unit in the invention that perform the same functions, but with different names/diagram numbers?

It appears that the condenser is an equivalent to the heating device, and the evaporator is an equivalent to the cooling device. In Figure 4 of applicant's invention, condenser 260 is labeled with number '232' (heating device(s)); similarly evaporator 262 is labeled with number '234' (cooling device(s)). It is wholly unclear if the heating device is solely comprised of a condenser and the cooling device is solely comprised of an evaporator. For the purpose of examination, the condenser will be considered an equivalent of the heating device, such that they are identified as a singular structural unit for achieving the same mechanical needs. Likewise, the evaporator will be considered an equivalent of the cooling device.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Berndt et al. (US Patent No. 6,086,635).

Berndt teaches an apparatus for extracting water in a drying cleaning process involving a siloxane solvent. The dry cleaning of articles or other items begins by placing them in a horizontal rotating cleaning basket 10 (*laundry enclosure*), the wash cycle is initiated with a dry cleaning fluid including an organo silicone-based siloxane solvent being pumped using a pump 12. The solvent is pumped from either a working

Art Unit: 1746

tank 14, or a solvent tank 16, and then to the cleaning basket 10 with the articles. The course of the pumped solvent can either be through a filter 18, or directly to the cleaning basket 10. From the cleaning basket 10, the solvent is then circulated through the bottom trap 20 to the pump 12 (*compressor*). After agitation for a predetermined amount of time, the solvent is drained and pumped to either of the three tanks 14, 16, 22. The cleaning basket 10 is then centrifuged in order to extract the remaining solvent to any of the tanks that is desired. The solvent being used should be distilled after removal, a still 24 may be used to receive solvent from the filter 18, or from the dirty tank 22. Any recovered or condensed vapors originating from the still may be condensed by water-cooled coils of a still vapor condenser 26 (*condenser*). Vacuum may be created by a liquid-head pump 30 (*pressure reducing mechanism*) or an evacuation process created by a venturi. During the drying process, the articles are tumbled (*agitation device*) in the cleaning basket 10 with air being forced by a fan 32 (*blowing device*) over heating coils 34 (*heating device*). As the solvent and water remaining on the articles are heated and become vapor (*evaporator*), the air flow exits the cleaning basket 10 and passes over cooling coils of a drying vapor condenser 36 (*cooling device*) where the vapors condense back to a liquid. Gravity feeds such liquid to the separator 28 via a conduit 37 (col. 4, lines 1-16, 31, 34-36, 40-43, 45-56). The pump 60 may be pneumatic in form (*pneumatic drying mechanism*). The use of any flow controller such as the pump 60 or, in the alternative, a vacuum results in sufficient separation (col. 5, lines 62-64).

Berndt's horizontal rotating basket (col. 4, lines 2) reads on an agitation device as claimed by applicant, moreover, articles are tumbled in the cleaning basket 10 (col.

Art Unit: 1746

4, lines 48-49). One of ordinary skill in the art at the time of the invention would have readily envisaged a motor driving the rotation shaft of the rotating basket. The circular and concentric shaft is illustratively shown disposed in the center of the basket 10, Figure 1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berndt as applied to claims above.

Berndt's invention is taught to be side-loadable, however, it would have been obvious to one of ordinary skill in the art at the time of the invention to rearrange the tub of Berndt such that it is top-loadable. Rearrangement of the tub of a washing machine is known in the art to achieve desired loading openings for loading ease, and concurrently for aesthetic purposes. Moreover, such rearrangement presents no significant functional or operational differences. Rearrangement of parts was held to have been obvious. *In re Japikse* 86 USPQ 10 (CCPA 1950).

Likewise, in the art of washing machines, side-loadable and top-loadable machines are commonly interchangeable features known in the art. One of ordinary skill in the art at the time of the invention would readily find a top-loadable washing

Art Unit: 1746

machine equivalent to a side-loadable machine. For the purposes of design or achieving an aesthetic look, one of ordinary skill in the art may rearrange the loading side of the tub. Choice in aesthetic designs was held to have been obvious. *St. Regis Paper Co. v. Beemis Co. Inc.* 193 USPQ 8, 11, (1977); *In re Harza* 124 USPQ 378 (CCPA 1960).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Cannon et al. herein referred to as "Cannon" (US Patent No. 5,213,594). Cannon teaches an apparatus for capturing solvent vapors from around the access opening of dry cleaning apparatuses. Vapors from the access opening are drawn through apertures in the collar(s) by suction and condensed water is received in a reservoir; Cannon teaches a pump, drive motor, recover housing, water separator, and condenser.

Jun (US Patent No. D527,150 S) teaches an ornamental design for a washing machine with a top-loading opening.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.

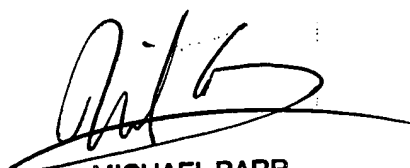


Art Unit: 1746

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RRP



**MICHAEL BARR**  
**SUPERVISORY PATENT EXAMINER**